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Arizona Corporation Commission  
**BEFORE THE ARIZONA CORPORATION COMMISSION**

**DOCKETED**

MAR 15 1999

JIM IRVIN  
COMMISSIONER-CHAIRMAN  
TONY WEST  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER

DOCKETED BY	<i>ad</i>
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IN THE MATTER OF THE APPLICATION OF  
COX ARIZONA TELCOM, INC. AND COX  
ARIZONA TELCOM II, L.L.C. USING THE  
FICTITIOUS NAME COX COMMUNICATIONS,  
FOR APPROVAL OF THE TRANSFER OF  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. T-03242A-97-0681

DOCKET NO. T-03471A-97-0681

DECISION NO. 61569**OPINION AND ORDER**

DATE OF HEARING: February 22, 1999

PLACE OF HEARING: Phoenix, Arizona

PRESIDING OFFICER: Barbara M. Behun

APPEARANCES: Mr. Michael W. Patten, BROWN & BAIN, on behalf of Cox  
Arizona Telcom, Inc. and Cox Arizona Telcom II, L.L.C.;Mr. Tobin Rosen, Principal Assistant City Attorney, City of  
Tucson, on behalf of the City of Tucson, Intervenor; andMs. Maureen A. Scott, Staff Attorney, Legal Division, on  
behalf of the Utilities Division of the Arizona Corporation  
Commission.**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the  
Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

**FINDINGS OF FACT**

1. Cox Arizona Telcom, Inc. ("Cox Inc.") is a Delaware corporation authorized to do  
business in the State of Arizona.

2. Cox Arizona Telcom II, L.L.C. ("Cox LLC") is a Delaware limited liability company  
authorized to do business in the State of Arizona. Cox LLC is doing business in Arizona under the  
name "Cox Communications".

3. Cox Inc. is certificated to provide intrastate telecommunications services, including  
local exchange services, pursuant to Decision No. 60285 (July 2, 1997).

4. Cox Inc. and CoxCom, Inc., the sole member of Cox LLC, are wholly-owned subsidiaries of Cox Communications, Inc.

5. On November 28, 1997, Cox Inc. and Cox LLC (collectively "Applicants") filed a joint application to transfer Cox Inc.'s Certificate to Cox LLC. Applicants requested that all assets, customer deposits and contractual obligations of Cox Inc. transfer to Cox LLC.

6. On December 14, 1998, the Commission's Utilities Division Staff ("Staff") filed a Staff Report in this matter.

7. By Procedural Order on January 5, 1999, the matter was set for a hearing on February 22, 1999.

8. On January 25, 1999, Applicants filed a notice of filing affidavit of publication.

9. The City of Tucson ("City") requested intervention, which was granted on February 10, 1999.

10. The hearing was held as scheduled on February 22, 1999. Applicants and Staff appeared through counsel and offered testimony regarding the application.

11. The City was present through counsel. Through examination of Applicants' witness, the City's issue regarding the timing of an application for a franchise and payment of a franchise fee was resolved to the City's satisfaction.

12. Applicants indicated that the proposed transfer was requested so that the parent company, Cox Communications, Inc., could obtain tax advantages.

13. According to the Applicants, Cox Communications, Inc. will provide the same financial and technical support to Cox LLC as it has to Cox Inc.

14. Applicants stated that Cox LLC will provide the same services to customers as presently being provided by Cox Inc.

15. Staff recommended approval of the transfer of the Certificate of Cox Inc. to Cox LLC.

#### CONCLUSIONS OF LAW

1. Applicants are public service corporations within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicants and the subject matter of the application.

3. Notice of the application has been provided.

4. The transfer of the Certificate, assets, customer deposits and contractual liabilities of Cox Inc. to Cox LLC is in the public interest.

**ORDER**

IT IS THEREFORE ORDERED that the joint application of Cox Arizona Telcom, Inc. and Cox Arizona Telcom II, L.L.C. using the fictitious name Cox Communications, for the transfer of the Certificate, assets, customer deposits and contractual obligations of Cox Arizona Telcom, Inc. to Cox Arizona Telcom II, L.L.C. using the fictitious name Cox Communications, shall be, and is hereby, approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

  
COMMISSIONER-CHAIRMAN

  
COMMISSIONER

  
COMMISSIONER

IN WITNESS WHEREOF, I, STUART R. BRACKNEY, Acting Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 15 day of MARCH 1999.

  
STUART R. BRACKNEY  
ACTING EXECUTIVE SECRETARY

DISSENT  
BMB:dap

1 SERVICE LIST FOR:

COX ARIZONA TELCOM, INC. and COX ARIZONA  
TELCOM II, L.L.C using the fictitious name C  
COMMUNICATIONS

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